

REMARKS

In response to the non-final Official Action of March 31, 2010, claim 1 has been amended in a manner which is believed to particularly point and distinctly claim the invention.

In particular, the claim has been amended to specifically recite that not only does the counterpressure surface form part of the print head so as to maintain a fixed relationship to said print head and so that no relative movement between the counterpressure surface and the print head can occur, but also wherein the counterpressure surface and the thermal slat are configured to have a rigid association therebetween so as to stabilize the label at a print-active surface of the thermal slat. This latter feature of the present invention is supported by the original application as filed, including Figures 2-4 and in the specification, including page 2, lines 22-32. No new matter is added.

Applicant's attorney would like to thank Examiner Evanisko for her helpful comments made during a telephone interview with the undersigned attorney on July 29, 2010. In view of her comments concerning a proposal, the emphasis of the present invention has been made with regard to the counterpressure surface and the print head, as well as the counterpressure surface and the thermal slat in order to show non-anticipation and non-obviousness in view of the cited reference.

Claim Rejections - 35 USC §102

At section 3 and 4, claims, 1, 6, 7, and 9-12 are rejected under 35 USC §102(b) as anticipated in view of US patent 5,967,040, Korthäuer, et al (hereinafter Korthäuer).¹

With respect to claim 1, the Office asserts that Korthäuer teaches a printing device with the elements recited in claim 1. Further, the Office makes the note that the

¹ It should be noted that cited Korthäuer, 5,967,040, claims priority to DE 197 38 799 which is the same application to which EP 0 900 735 B1 claims priority. EP 0 900 735 B1 is cited in the background section of the present application.

counterpressure surface in Korthäuer can be considered to “form” part of the print head as broadly recited since these two elements are part of a larger machine and have to be used together to result in proper printing of the labels (emphasis added). Furthermore, the Office notes that the counterpressure surface of Korthäuer can broadly be considered to maintain a “fixed relationship” to the print head such that no relative movement between the counterpressure surface and the print head can occur, at least during the printing operation, in order to have an operable device that prints clearly (emphasis added).

As noted in the background section of the present invention, an object of the invention is to have the counterpressure surface forming part of the print head, something the prior art does not disclose or suggest. Furthermore, in the noted portion of the specification, it is specifically stated that in the present invention there is no longer relative movement between the counterpressure surface and the print head, contrary to that shown in the art, including cited EP 0 900 735 B1. Instead, there is a rigid association between the counterpressure surface and the thermal slat of the printer so that the label is stabilized at the print-active surface of the thermal slat. This results in a significantly simplified design, because it is now possible to do away with the components that allow for relative movement, such as shown in prior art Figure 1 and in Korthäuer (specification, page 2, lines 29-32).

Furthermore, Figure 4 of the present application clearly shows the print head 5, thermal slat 6, and counterpressure surface 7 are all together and thus showing that the counterpressure surface forms part of the print head 5 along with the thermal slat 6, thereby maintaining no relative movement between the counterpressure surface and the print head and to stabilize the label at a print-active surface of the thermal slat. Furthermore, it is specifically noted in the specification at page 6, lines 16-17 that in all of the units shown in the various embodiments, the described printing process takes place separately from the other units, which are the liner strip, labels, feed device, and peeling off device 1-4, as specifically shown in Figure 4.

It is clear from a review of Korthäuer, including Figure 2 that print head 8 and wiping head 6a (what the Office equates to the counterpressure surface) are in different parts of the overall label printer; namely, the print head being in the printing device 13, while the wiping head 6a is part of the label feed unit 12c. The Office's assertion that these elements maintain a "fixed relationship" does not teach or suggest that the counterpressure surface forms part of the print head. They clearly do not. Furthermore, there is no discussion or suggestion in Korthäuer that the counterpressure surface and the thermal slat are configured to have a rigid association therebetween so as to stabilize the label at a print-active surface of the thermal slat. In Korthäuer, the thermal strip 7 is part of the printing device 13, while the wiping head is part of the label feed unit 12c.

Clearly, the structure defined in amended claim 1 of the present application is not disclosed in Korthäuer.

For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 is neither anticipated nor suggested by Korthäuer.

Dependent claims 6, 7, and 9-12 are also believed to be neither anticipated nor suggested by Korthäuer at least in view of their ultimate dependency from amended claim 1.

In view of the foregoing, reconsideration of the rejection of the claims is earnestly requested and early notice of allowance is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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